



DOCKET: JVS110126000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR:	Peter Gwyther)	EXAMINER:
)	
SERIAL NO.:	10/045,220)	ART UNIT:
)	
FILING DATE:	October 23, 2001)	DATE: November 6, 2002
)	
FOR:	SPINAL CORD)	
	REMOVAL TOOL WITH)	
	ADJUSTABLE BLADES)	

RESPONSE TO NOTICE OF MISSING PARTS OF NONPROVISIONAL APPLICATION

Assistant Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

Dear Sir:

This replies to the Notice Of Missing Parts dated February 6, 2001, which was received for the first time in our office on November 1, 2002, a copy of which is enclosed.

The signed inventor's declaration is attached for this application to complete the application. Also enclosed is a check for the surcharge of \$65.00. The Commissioner is hereby authorized to charge any over or under payment to Account No. 04-0566.

The above-identified case was filed on October 23, 2001, at or around the time of the anthrax mail disruptions. On January 4, 2002, applicants became concerned that the filing receipt had not been received, and obtained a copy of the United States Patent and Trademark Office Notice dated December 20, 2001 regarding procedures for missing documents filed during the anthrax-related period of mail disruption. As a

result of reviewing that Notice, a call was placed on January 4, 2002 from the undersigned's office to Joyce Riley at the United States Patent and Trademark Office. During that conversation Ms. Riley advised that a duplicate copy of the patent application should not be filed and that a filing receipt would be forthcoming.

Subsequently, checks through the PAIR service were made and it was noted that the application had moved to have a Notice of Missing Parts issued. The issuance of a Notice of Missing Parts was expected as the application was filed without the inventor's original signature in order to obtain the earliest possible filing date.

Although the inventor signed the declaration within days of the filing of the application, the undersigned was awaiting the filing receipt and the Notice of Missing Parts, which appeared to be in process at the United States Patent and Trademark Office. However, no filing receipt was ever received and on May 20, 2002 the undersigned sent a Status Inquiry to the United States Patent and Trademark Office. No response to the Status Inquiry was received.

Accordingly, on August 14, 2002 a further inquiry was initiated by telephone. The undersigned was advised that the filing receipt had been issued and the Notice of Missing Parts had also been issued. Neither was ever received.

On August 15, 2002 a written request for the filing receipt and the Notice of Missing Parts was filed. A copy of the filing receipt was received for the first time on August 19, 2002, but the Notice of Missing Parts was never received. A follow-up telephone call was placed on Oct. 23, 2002 to the United States Patent and Trademark Office (to Joyce Riley) concerning the whereabouts of the Notice of Missing Parts. A message was left requesting issuance of the Notice of Missing Parts and it was received for the first time on Nov. 1, 2002.

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It is respectfully submitted that the mailing date on the Notice of Missing Parts received is in error and that this response and the attached declaration are being filed in a timely manner.

Respectfully submitted,



Anthony P. DeLio
Reg. No. 18,729

DeLIO & PETERSON, LLC
121 Whitney Avenue
New Haven, CT 06510-1241
(203)787-0595

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231.

Name: Kara Laudano Date: November 6, 2002 Signature: _____





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/045,220	10/23/2001	Peter Gwyther	JVS110126000

22891
DELIO & PETERSON
121 WHITNEY AVENUE
NEW HAVEN, CT 06510

CONFIRMATION NO. 9823

FORMALITIES LETTER



OC000000007429672

Date Mailed: 02/06/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**RECEIVED
DELIO & PETERSON**

NOV - 1 2002

11/15/2002 MDAITE1 00000037 10045220

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FILE
DOCKETED *12/1/02*
BY *BTP*